

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CRAIG RYAN ESPIGH,	:	CIVIL NO.: 1:19-cv-02221
	:	
Plaintiff,	:	
	:	(Magistrate Judge Schwab)
v.	:	
	:	
BOROUGH OF LEWISTOWN,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

April 21, 2021

On February 26, 2021, Craig Ryan Espigh (“Espigh”) filed an amended complaint to which the defendants filed a motion to dismiss. *Docs. 36, 37*. The defendants filed a brief in support of their motion to dismiss on March 25, 2021, and Espigh filed a motion to file a second amended complaint along with a “response” to the defendants’ motion to dismiss. *Docs. 40, 41, 42*. We ordered Espigh to file a letter explaining how he would further amend his amended complaint if given leave to file a second amended complaint, and we are in receipt of his letter. *Docs. 43, 44*.

After reviewing Espigh’s letter, and keeping in mind that Fed. R. Civ. P. 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires” and that “[t]his liberal amendment regime helps effectuate the ‘general

policy embodied in the Federal Rules favoring resolution of cases on their merits,”
Mullin v. Balicki, 875 F.3d 140, 149 (3d Cir. 2017) (quoting *Island Creek Coal Co.*
v. Lake Shore, Inc., 832 F.2d 274, 279 (4th Cir. 1987) (internal quotation marks
and citation omitted)), we think the best course is to allow Espigh to file a second
amended complaint. Based on the foregoing, **IT IS ORDERED** that Espigh’s
motion for leave to file a second amended complaint (*doc. 41*) is **GRANTED**, and
Espigh shall file his second amended complaint on or before **May 7, 2021**. **IT IS**
FURTHER ORDERED that the defendants’ motion to dismiss (*doc. 37*) is
DENIED AS MOOT.

S/Susan E. Schwab
Susan E. Schwab
United States Magistrate Judge